

DISCRIMINATION GRIEVANCE POLICY

Policy

Federal and state laws prohibit discrimination by UCF in employment, enrollment, and programs of the university. University policies have been developed to explain that protection, add another basis, and offer solutions quickly when discrimination is alleged on the basis of race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, gender expression, and veteran status (as protected under the Vietnam Era Veterans Readjustment Assistance Act).

Students, employees, applicants for employment or admission, or individuals with a disability who sought to use a University program or service are encouraged to consider utilizing the UCF Discrimination Grievance Procedure when a concern is identified. While there are agencies at the federal and state levels which also investigate discrimination, using UCF's procedure lets the University move quickly to review the problem and to decide how to solve it.

When a discrimination grievance is filed, the Office of Equal Opportunity and Affirmative Action Programs (EO/AA) will determine jurisdiction. An EO/AA representative will discuss the accepted issues with the grievant. Options for filing with external agencies will be outlined, as will on-campus options for Faculty, Administrative & Professional, University Support Personnel System employees, students, applicants for employment or enrollment, and invitees. Then, an investigation plan and time line will be prepared.

Faculty members, staff, and students are welcome at any time to choose another forum (such as a collective bargaining grievance procedure or the student grievance procedure), but investigations initiated under the Discrimination Grievance procedure may cease when another internal forum is activated. Grievants must carefully consider their options since use of one may foreclose use of another.

Authority

The Office of Equal Opportunity and Affirmative Action Programs is responsible for investigating allegations of discrimination. The University President delegates this authority, following the obligation to ensure that discriminatory practices and/or policies are prohibited at the University of Central Florida.

When EO/AA identifies such practices or policies, recommendations to the President will suggest corrective strategies. The President will assign implementation of the remedy(ies) and corrective action.

These actions may include a specific remedy for the person filing the grievance; policy changes; disciplinary action against the alleged discriminating official; reconsideration of an action; or other remedies. A monitoring schedule also may be prescribed. This list is not exhaustive.

UCF must follow certain relevant laws which include, but are not limited to:

- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act Amendments Act, 2008
- Civil Rights Act of 1991
- Equal Pay Act of 1963
- Executive Order 11246, as amended
- Florida Civil Rights Act, 1992
- Florida Educational Equity Act, 1984
- Genetic Information Nondiscrimination Act, 2008
- Sections 503, 504 of the Rehabilitation Act, 1973
- Title VII of the 1964 Civil Rights Act
- Title VI of the 1964 Civil Rights Act
- Title IX of the Educational Amendments, 1972

The University also must observe certain regulations, guidelines, and interpretations. These include Executive Order 11246, as amended; strategies drawn from current case law provided as guidance from General Counsel; and university procedures for responsibilities delegated to the university from the Florida Board of Governors.

Coverage

The University prohibits discrimination in employment and student enrollment on the basis of:

- Race/ethnic group identification
- Color
- Religion
- Sex (includes unlawful sexual harassment, which interferes with the working or learning environment. Discrimination on the basis of pregnancy is prohibited also.)
- National origin
- Age (over 40 under federal law, but there are no age limits specified in the state laws)
- Disability (a physical or mental condition that substantially limits one or more major life activities)
- Marital status
- Sexual orientation
- Gender identity (an individual's self-perception of being male, female, or both)
- Gender expression (the manifestation of an individual's self-perception of being male, female, or both)
- Veteran status as a Vietnam-era veteran, under specific definitions

Additional prohibitions exist to protect the rights of individuals with a disability who seek to access University programs or services in addition to employment and enrollment.

The Office of Equal Opportunity and Affirmative Action Programs will determine during the intake phase whether the claim, if substantiated, would show a violation of UCF Regulation [3.001](#) or other prohibitions.

Rights of the Grievant

Federal and state laws protect every person who files a discrimination grievance, or who assists in the investigation in any way, from acts of retaliation. Confidentiality of files and information will be maintained in accordance with federal and state law. EO/AA follows the philosophy that the most effective resolutions depend on informal contacts with the individuals involved. Highly formalized hearings and depositions may be necessary, but development of evidence and attempts at resolution will precede such steps.

All discrimination grievances which request an individual remedy must carry the signature of the grievant authorizing investigation of the issue(s). Those which anonymously allege discrimination will be attended to as time permits or during the investigation of alleged patterns of unlawful practices. Signed authorizations to investigate will be dealt with as described in the section titled "The Investigation Process."

Grievants who activate another forum before or during this process shall notify the EO/AA office promptly.

Rights of the University and Individual Respondents

Since the purpose of the investigation is to determine the facts surrounding the grievance and develop possible solutions, communication with those named in the grievance is essential. Complete statements of facts and response to concerns outlined in the grievance will be sought from all individuals with relevant information. No reports or recommendations will be made to the President from the Director of Equal Opportunity and Affirmative Action Programs or designee without a thorough investigation and opportunity for all involved parties to be heard.

The President will be briefed on the key issues and progress made on the investigation. The President will receive the Investigation Report and recommendation(s) from the Director of Equal Opportunity and Affirmative Action Programs. When the decision is announced, any remedies to be implemented will be communicated to the responsible administrators and to the grievant as directed by the President.

University actions may include such steps as verbal or written reprimand, suspension or dismissal. Personnel rules, collective bargaining agreements, and state/federal law will be reviewed in this process. Also, changes in policy or reconsideration of actions may be initiated. This list is by no means exhaustive.

The grievant, witnesses, and other participating parties are protected from retaliation with the same vigor as is applied to the prohibition against discrimination itself.

The Investigation Process

Forms for filing are available in Equal Opportunity and Affirmative Action Programs, Millican Hall 330, University of Central Florida. On-line forms may be found at this office's website. See contact information below.

A letter outlining the problem or a meeting with a representative of the office may begin the process, but a signed detailed complaint is required for individual remedy.

The receipt of a signed complaint by the grievant will be followed within 14 days by document collection and determination of jurisdiction. If the complaint is appropriate for investigation under this process, the investigation will conclude within 60 days from the date jurisdiction is determined.

The investigation process includes determination of issues, determination of jurisdiction over the issues, interviews, document collection, gathering of facts, and analysis. Grievant may elect legal counsel, but it is not required at any stage. If counsel is involved in the investigation, appropriate adjustments to the time frames at each step may be required. The University's General Counsel will normally be involved whenever private counsel for a respondent or witness is involved.

Recommendations for resolution will be transmitted to the President for a final decision within seven days of the investigation's conclusion. The President's decision will be communicated to the grievant and respondent within seven days of its announcement or return to the Office of Equal Opportunity and Affirmative Action Programs.

The President's decision is the final step in the UCF Discrimination Grievance procedure. State or federal civil rights agencies may be contacted by a grievant as appropriate.

Contact information regarding discrimination grievances:

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